

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 452

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-416, IDAHO CODE, TO REMOVE REFERENCE TO THE SUBMISSION OF STANDARDS TO THE DIRECTOR OF LEGISLATIVE SERVICES, TO REVISE PROVISIONS RELATED TO THE SUBMISSION OF RULES FOR REVIEW AND COMMENT, TO PROVIDE THAT CERTAIN RULES SHALL BE SUBMITTED TO THE STATE BOARD OF ENVIRONMENTAL QUALITY FOR REVIEW AND COMMENT AND CERTAIN RULES SHALL BE SUBMITTED TO THE STATE BOARD OF HEALTH AND WELFARE FOR REVIEW AND COMMENT, AND TO PROVIDE THAT THE STATE BOARD OF ENVIRONMENTAL QUALITY SHALL TAKE SPECIFIED ACTION ON CERTAIN RULES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-416, Idaho Code, be, and the same is hereby amended to read as follows:

39-416. RULES ADOPTED BY DISTRICT BOARD -- PROCEDURE. (1) The district board by the affirmative vote of a majority of its members may adopt, amend or rescind rules and standards as it deems necessary to carry out the purposes and provisions of this act.

(2) Every rule or standard adopted, amended, or rescinded by the district board shall be done in a manner conforming to the provisions of chapter 52, title 67, Idaho Code.

(3) At the same time that proposed rules ~~and standards~~ are transmitted to the director of legislative services, they shall be submitted for review and comment to ~~the state board of health and welfare, and to the board of county commissioners of each county within the public health district's jurisdiction.~~ If the rules relate to environmental protection or programs administered by the department of environmental quality, the rules shall also be submitted for review and comment to the state board of environmental quality. All other rules that do not relate to environmental protection or programs administered by the department of environmental quality shall be submitted for review and comment to the state board of health and welfare. The state board of health and welfare, or the state board of environmental quality, shall, within seventy-five (75) days of receipt of a district board's proposed rules, disapprove of the adoption of the rules if, on the advice of the attorney general, such rules would be in conflict with state laws or rules. The state board of health and welfare, or the state board of environmental quality, shall immediately advise the district board as to the reason for the disapproval.

(4) This section does not apply to measures adopted for the internal operation of the district board or for federal programs where the regulations are established by the federal government but shall apply to all measures affecting the public at large or any identifiable segment thereof.